

December 1, 2025

**Call for input:** Indigenous peoples to submit experiences to inform ongoing studies relating to free, prior, and informed consent in connection with business and human rights.

Dear Working Group on Business and Human Rights,

Thank you for the opportunity to contribute to the report for the Human Rights Council's 62nd session.

In 2010, Canadian-owned mining company Brazil Potash began exploratory drilling for sylvinitite—the mineral mined to make potash for plant fertilizer—on Mura territories near Autazes.<sup>1</sup> According to Brazilian law, it is illegal to mine on Indigenous lands.<sup>2</sup> Despite an ongoing, constitutionally mandated Mura peoples' traditional territories demarcation process, as well as ongoing domestic litigation against Brazil Potash concerning its questionable licensing and consultation processes, Brazil Potash has continued to pursue the proposed mining complex along with adjacent roads and ports to support potash extraction on Mura lands.<sup>3</sup> This project threatens the Mura peoples' self-determination rights, violates rights to free, prior, and informed consent ("FPIC"), and runs counter to the UN Guiding Principles on Business and Human Rights ("UNGPs").

### **Brazil's domestic and international legal obligations**

Brazil's domestic law provides strong protections for Indigenous peoples against extractive projects on Indigenous lands. Under Article 231 of the Brazilian Constitution,<sup>4</sup> the Brazilian government must protect Indigenous peoples against individual and collective rights violations.<sup>5</sup> Further, the constitution guarantees Indigenous groups collective rights of return to—and

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<sup>1</sup> Mura resistance organizations consented to this submission; the content is taken from a recently published report on the Mura struggle against mining on their lands. For more detail, see CLIHHR, PPGD/UFRGS, IHRP & ODSDH/UFAM, [RESISTANCE: THE MURA STRUGGLE AGAINST CANADIAN POTASH MINING IN BRAZIL'S AMAZON](#) (2025) [Hereinafter *Mura Human Rights Report* (2025)]; Brazil Potash Corp., *WHO WE ARE Learn About Brazil Potash*, (last visited Oct. 18, 2025); Rosiene Carvalho, *Potassium mining project in Brazil's Amazon rainforest divides Indigenous tribe*, ASSOCIATED PRESS (Mar. 7, 2025).

<sup>2</sup> *Constituição Federal* [C.F.] [Constitution] art. 231(2) (Braz.); Human Rights Watch, *Brazil: Indigenous Rights under Serious Threat* (Aug. 9, 2022); Fernanda Frizzo Bragato & Jocelyn Getgen Kestenbaum, *Recognizing and Reclaiming Indigenous Peoples' Constitutional Land Rights in Brazil: Challenges and Opportunities*, in LAND RIGHTS NOW: GLOBAL VOICES ON INDIGENOUS PEOPLES AND LAND JUSTICE (William Nikolakis ed., 2025).

<sup>3</sup> Carvalho, *supra* note 1.

<sup>4</sup> *Constituição Federal* [C.F.] [Constitution] art. 231 (Braz.).

<sup>5</sup> *Id.*

occupation and use of—their traditional lands.<sup>6</sup> These guarantees include the absolute rights (1) to possess the lands permanently, and (2) to use surface resources without limitation.<sup>7</sup> Additionally, the Supreme Federal Court of Brazil recognizes that constitutional protection of an Indigenous territory does not depend on completing the demarcation process.<sup>8</sup>

Moreover, Brazil is a State Party to various international treaties,<sup>9</sup> obligating Brazil to protect the rights to life, security of the person, and self-determination, including the right to freely pursue economic, social, and cultural development.<sup>10</sup> Such rights are recognized as inextricable from Indigenous self-determination and survival, including the rights to adequate food, water, housing, health, and culture.<sup>11</sup> Additionally, Brazil must recognize and respect Indigenous culture, history, language and way of life and promote its preservation; provide Indigenous peoples with conditions allowing for sustainable economic and social development; and ensure Indigenous communities can exercise their rights to practice and revitalize their cultural traditions and customs and to preserve and practice their languages.<sup>12</sup>

Specific to Indigenous rights, Brazil has ratified the International Labour Convention No. 169 and, thus, must ensure prior consultation and FPIC rights of Indigenous peoples.<sup>13</sup> Further, Brazil was in favor of adopting the United Nations Declaration on the Rights of Indigenous Peoples,<sup>14</sup> demonstrating Brazil’s ongoing commitment to protecting Indigenous rights.<sup>15</sup>

## Mura FPIC Protocol

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<sup>6</sup> *Id.* at art. 231(1). [“Indigenous people shall have their social organization, customs, languages, creeds and traditions recognized, as well as their original rights to the lands they traditionally occupy.”]; U.N.G.A. Res. No. 61/295, [United Nations Declaration on the Rights of Indigenous Peoples](#), art. 26 (Sept. 13, 2007); International Labour Convention No. 169 concerning Indigenous and Tribal Peoples in independent countries, arts. 13-14, 1650 U.N.T.S. 383 (Sept. 5, 1991)[Hereinafter ILO Convention No. 169]; Organization of American States, [Declaration on the Rights of Indigenous Peoples](#), art. XXV(2) (June 15, 2016).

<sup>7</sup> [Constituição Federal](#) [C.F.] [Constitution] art. 231 (Braz.); Lisa Valenta, *Disconnect: The 1988 Brazilian Constitution, Customary International Law, and Indigenous Land Rights in Northern Brazil*, 38 TEX. INT’L L. J. 643, 651 (2003) (quoting L. Roberto Barroso, *The Sage of Indigenous Peoples in Brazil: Constitution, Law and Policies*, 7 ST. THOMAS L. REV. 645, 657–59 (1995)).

<sup>8</sup> WWF-BRASIL, [Time Frame Judgment Is Suspended](#), WWF (Sept. 17, 2021) (last visited Nov. 17, 2025).

<sup>9</sup> [International Covenant on Civil and Political Rights](#), art. 1 Mar. 23, 1976, 999 U.N.T.S. 171, acceded to 24 Jan. 1992, at arts. 1 (self-determination), 6 (life) & 9 (security of the person) [Hereinafter ICCPR]; [International Covenant on Economic, Social and Cultural Rights](#), art. 1, Jan. 3, 1976, 993 U.N.T.S. 3., acceded to 24 Jan. 1992, at arts. 1 (self-determination), 11 (housing), 12 (health) & 15 (culture) [Hereinafter ICESCR]; [International Convention on the Elimination of All Forms of Racial Discrimination](#), (adopted Dec. 21, 1965, entered into force Jan. 4, 1969) 660 U.N.T.S. 195, ratified Mar. 27, 1968.

<sup>10</sup> ICCPR, *supra* note 9.

<sup>11</sup> ICESCR, *supra* note 9. The ICESCR later recognized the right to water. Committee on Economic, Social and Cultural Rights, [General Comment No. 17 \(2002\) on the right to water](#), U.N. Doc. E/C.12/2002/11, (Jan. 26, 2003).

<sup>12</sup> U.N.G.A. Res. No. 61/295, *supra* note 6; General Recommendation No. 23: Indigenous Peoples, U.N. Doc. CERD/C/51/Misc.13/Rev.4 (Aug. 18, 1997).

<sup>13</sup> ILO Convention No. 169, *supra* note 6 at art. 15.

<sup>14</sup> U.N.G.A. Res. No. 61/295, *supra* note 6.

<sup>15</sup> *Id.*

The Mura community developed an FPIC protocol<sup>16</sup> to guide its consultation process with Brazil Potash pursuant to a court order that suspended mining operations while such a protocol was developed.<sup>17</sup> Community members, youth, and spiritual leaders worked in collaboration for nearly two years, consulting Brazil's Federal Public Ministry, anthropologists, and various Indigenous civil society organizations to develop a protocol that reflected the values and needs of the community.<sup>18</sup> The protocol requires holding internal community meetings to encourage Mura peoples to freely express themselves without fearing retribution from outsiders prior to moving forward with external meetings where non-Mura may be present.<sup>19</sup> Additionally, Brazil Potash is required to inform the Mura community of both positive and negative impacts of the project before initiating construction and may only proceed if the Mura give their consent after being freely and fully informed.

## FPIC Violations

According to Mura leadership, the FPIC protocol was not properly implemented. Instead, during the development of the protocol, Brazil Potash allegedly opened new drill holes, illegally surveyed the area, and deforested land despite ongoing demarcation processes.<sup>20</sup>

Mura community members appear to have faced intense coercion and bribery alleging that Brazil Potash offered to fund new schools and hospitals,<sup>21</sup> and even provide a car,<sup>22</sup> if the mine was approved and the litigation dropped. It is similarly alleged that the company capitalized on the poverty and food insecurity brought by the COVID-19 pandemic and significant flood in 2021, using the communities' desperation to bribe members in favor of the Autazes Project.<sup>23</sup> Moreover, members of the Soares community have reported receiving frequent death threats causing fear to walk alone in their own community.<sup>24</sup>

Further troubling is the allegation that Brazil Potash made donations and gave gifts to members of the Mura Indigenous Council (*Conselho Indígena Mura*, "CIM"),<sup>25</sup> which ultimately led to CIM unilaterally amending the consultation rules, sidelining other critical Mura council members in

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<sup>16</sup> [PROCOLO DE CONSULTA E CONSENTIMENTO DO POVO MURA DE AUTAZES E CAREIRO DA VÁRZEA TRINCHEIRAS: YANDÉ PEARA MURA](#) (2019).

<sup>17</sup> Interview with Filipe Gabriel, Mura Leader, in Soares, Braz. (Mar. 26, 2025).

<sup>18</sup> *Id.*; Interview with Anonymous Community Member, Mura Leader, in Soares, Braz. (Mar. 26, 2025).

<sup>19</sup> Interview with Bruno Caporrino, Anthropologist, via Microsoft Teams, (Nov. 20, 2025).

<sup>20</sup> Interview with Anonymous Community Member, Soares Community Members, *supra* note 18.

<sup>21</sup> Fábio Bispo, [Mineradora canadense é acusada de subornar indígenas para desistirem da demarcação do território e explorar potássio na área](#) [Canadian mining company accused of bribing indigenous people to abandon land demarcation and explore for potassium in the area], INFOAMAZONIA (Nov. 29, 2023); Thais Borges et al., [Amazon's Mura indigenous group demands input over giant mining Project](#), MONGABAY (Dec. 27, 2019).

<sup>22</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 17; Interview with Anonymous Community Member, Soares Community Members, *supra* note 18.

<sup>23</sup> Interview with Bruno Caporrino, Anthropologist, *supra* note 19.

<sup>24</sup> Interview with Anonymous Community Member, General Community Interview, *supra* note 18.

<sup>25</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 17.

Soares, the community affected by the mine. Notably, this amended protocol has not been upheld by Brazilian courts.<sup>26</sup>

In 2023, *CIM* unilaterally rejected the Lago do Soares community's FPIC protocol concerns and voiced support for the Autazes Potash Project, claiming that the Council had conducted its own consultation with the Mura people.<sup>27</sup> However, as explained by Mura leadership, the purported consultation process by *CIM* was deeply flawed; leaders report that at least 5,000 Mura from the most affected communities of Lago do Soares and Urucurituba were excluded from the process.<sup>28</sup> The company reportedly contracted with *CIM* in January 2025<sup>29</sup> and are allegedly paying the Council.<sup>30</sup>

Using scare tactics and coercion to deprive the Mura people of their traditional lands would violate the very concept of FPIC intended by ILO No. 169. Per UNDRIP Article 32, cooperation with consultation processes requires good faith efforts to obtain Indigenous peoples' "free, prior, and informed consent [...] prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."<sup>31</sup>

## Consequences

FPIC process failures and violations have isolated leaders and members of communities directly affected by the project from the larger Mura community. "One of the greatest impacts that the company is causing is the division of our people," says Lago do Soares Chief Filipe Gabriel Mura.<sup>32</sup> Despite these challenges, however, the Mura in Lago do Soares and Urucurituba refuse to acquiesce to the mine. "We are a warrior people. We are strong. We do not give up."<sup>33</sup>

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<sup>26</sup> See [Mura Human Rights Report](#) (2025), *supra* note 1 at 30-33; Tribunal Regional Federal da 1ª Região. Embargos de Declaração no Agravo de Instrumento no 1037175-40.2023.4.01.0000 (Brasília, 2023).

<sup>27</sup> Relatório de Inspeção Judicial, TRF-1, [Ação Civil Pública No. 0019192-92.2016.4.01.3200](#), Relator: Jaiza Maria Pinto Fraxe, Feb. 27, 2020, Processo Judicial Eletrônico; Ministério Público Federal, [Potassium Case: Timeline](#), [*Potassium Case: Timeline*], (last visited Oct. 25, 2025).

<sup>28</sup> See [Mura Human Rights Report](#) (2025), *supra* note 1 at 4; Interview with Filipe Gabriel Mura, Mura Leader, *supra* note 17.

<sup>29</sup> Brazil Potash Corp., [Brazil Potash Subsidiary Potássio do Brasil, Signs Preliminary Agreement with Mura Indigenous People for Autazes Potash Project](#), BRAZIL POTASH CORP. (Jan. 13, 2025).

<sup>30</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 17.

<sup>31</sup> U.N.G.A. Res. No. 61/295, *supra* note 6; The Inter-American Court of Human Rights has interpreted obligations of States parties, including Brazil, to the American Convention on Human Rights. In *Kichwa Indigenous People of Sarayaku v. Ecuador*, the Inter-American Court clarified the meaning of each of the requirements for valid consultation with Indigenous peoples. *Kichwa Indigenous People of Sarayaku v. Ecuador*, Merits and reparations, Inter-Am. Ct. H.R. (ser. C) No. 245, (June 27, 2012); *Afro-descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 270 (Nov. 20, 2013); *Indigenous Communities Members of the Lhaka Honhat Association (Our Land) v. Argentina*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 400 (Feb. 6, 2020).

<sup>32</sup> Interview with Filipe Gabriel Mura, Mura Leader, *supra* note 17.

<sup>33</sup> *Id.*

The Mura's concept of land and territory is deeply intertwined with mobility, ancestral memory, social relations, collective stewardship, and spiritual cosmology rather than rigid territorial boundaries or exclusive ownership.<sup>34</sup> Land is sacred, communal, and fundamentally inseparable from Mura cosmology and social life.

To date, Brazil Potash's drilling has reportedly desecrated a Mura cemetery, destroying the community's ability to venerate and pay condolences to their ancestors. A community elder described the destruction as a physical act of supreme violence—likening it to the physical violence of an act of rape—against the community.<sup>35</sup>

The Autazes Potash Project and the displacement it threatens to cause also pose a serious obstacle to the Mura's cultural revitalization. Filipe Gabriel Mura identified Mura language loss as another marker of cultural degradation: "We have not [spoken] our native tongue for a long time. First they took our tongue, so we are pressured to speak Portuguese. Now, we are pressured to learn other languages like English ... but we want to rescue [our language] as a people, because it is our essence."<sup>36</sup> If families are forced from their traditional lands and potentially resettled in urban areas, opportunities for intergenerational language transmission and collective cultural renewal will diminish.

Thus, the Autazes Potash Project threatens to reproduce many of the harms historically associated with extractive activities on Indigenous lands, placing the Mura people at significant risk of detrimental impacts to their health, safety, and existence as a group in violation of their individual and collective human rights. For example, the river systems' salt contamination can poison drinking water and disrupt ecosystems, introducing toxins into the food chain,<sup>37</sup> which will have adverse impacts on Mura communities who rely predominately on subsistence fishing, hunting, and farming. Their resulting displacement would lead to destruction of their social fabric as Indigenous peoples.

## Conclusion

Mura resistance communities continue to challenge Indigenous erasure despite being afforded legal protections under Brazil's domestic and international legal frameworks. To ensure the Mura's right to exist, the Brazilian government and corporations operating in the country must respect the established protocol.

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<sup>34</sup> Land is tied to the memory and ongoing presence of ancestors, who are conceptually present through the landscape. The land is not just a physical space, but a living cosmological entity interwoven with histories, spirits, and ancestral beings. This spiritual dimension means land cannot be owned or commodified in the Western sense; instead, land is part of a relational system connecting people, ancestors, and non-human beings. Interview with Bruno Caporrino, *Anthropologist*, via Zoom (Sept. 13, 2024, 10:00 EDT) (notes on file with authors).

<sup>35</sup> *Id* (referring to statements gathered through Caporrino's previous interviews with the Mura). Caporrino assisted in the formation of the FPIC protocol.

<sup>36</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 17.

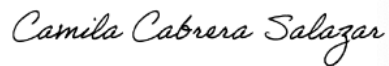
<sup>37</sup> Miguel Cañedo-Argüelles et al., *Salinisation of Rivers. An Urgent Ecological Issue*, 173 *ENV'T. POLLUTION* 157, 159 (2013).

Should you have any questions, concerns, or require additional information regarding this submission, please contact any of the undersigned.

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